

OCT 21 2009

RE: Appeal No. 2009-004999
U.S. Serial No. 08/870,762
Attorney Docket: 226/104USUNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No.	2009-004999	Art Unit:	1645
Appellants:	Bradford J. Duft <i>et al.</i>	Examiner:	DEVI, Sarvamangala
App. No.:	USSN 08/870,762	Atty. Docket:	226/104US
Filing Date:	June 6, 1997	Confirm No.:	7328
Title:	<i>Methods for Treating Obesity</i>		

Board of Patent Appeals and Interferences
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

Attn: Chief Clerk of the Board

Withdrawal of Appeal by Filing of an RCE

Dear Sir:

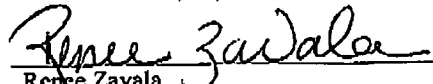
According to MPEP Section 1215.01, Applicant provides notice to the Board of Patent Appeals and Interferences that Applicant filed a Request for Continuing Examination with required fee and submission with new evidence on October 20, 2009, in compliance with 37 CFR 1.114. This RCE filing effectively withdraws the application from appeal in order to reopen prosecution, closing Appeal 2009-004999.

No decision by the Board in this matter is necessary since prosecution is reopened, and the proposed Oral Hearing is no longer necessary. As a consequence of

Certificate of Transmission Under 37 C.F.R. 1.8

I hereby certify that the following listed correspondence in the above-referenced application is being transmitted by facsimile to the fax numbers listed below on this 21st day of October, 2009:

BPAI Hearings Fax No. (571) 273-0299 AND USPTO Central Fax No. (571) 273-8300


Renee Zavala

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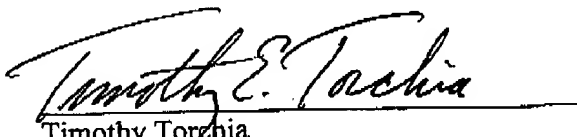
this action, Applicant believes no response is required to the "Notice of Hearing, Confirmation Required Within Twenty-One Days" mailed 30 September, 2008.

No fees are believed due for this submission. However, if a fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535.

Respectfully submitted,

AMYLIN PHARMACEUTICALS, INC.

Dated: October 21, 2009


Timothy Torchia
Registration No. 36,700

AMYLIN PHARMACEUTICALS, INC.
Intellectual Property Group
9360 Towne Centre Drive
San Diego, CA 92121
Tel: (858) 552-5200
Fax: (858) 552-1936